D.B. CIVIL SPECIAL APPEAL NO. 454/2005
(Satya Narain Soni Vs. State Bank of Bikaner & Jaipur & Ors.)

DATE OF ORDER : 18.05.2006

HON'BLE MR. JUSTICE N.N.MATHUR
HON'BLE MR. JUSTICE MANAK MOHTA

Mr. Satya Narain Soni, appellant present in person.
Mr. P.K.Lohra for respondent-The State Bank of Bikaner & Jaipur.

We have heard Mr.Satya Narain Soni, appellant present in person, Mr. P.K. Lohra appearing on behalf of respondent–Bank and perused the order of the learned Single Judge dated 6.7.2005, dismissing the writ petition.

The appellant was engaged in service of the respondent-Bank in the year 1983 and was posted at the Sardarpura Branch. He has been working as a computer operator. He was transferred to the Gulab Sagar Branch of the Bank by order dated 8.3.2005. The said order of transfer was challenged by way of filing a writ petition. It was pleaded that the appellant being disabled person having 80% disability, as per the policy of the Bank, could not have been transferred to Gulab Sagar Branch. A reply to the writ petition was filed. The stand of the Bank before the learned Single Judge was that he was transferred on account of rotation of the staff. He has been in the said Branch for more than 20 years. He has been

transferred to the Gulab Sagar Branch within the city and not outside station keeping in view that he is a disabled person. The learned Single Judge having satisfied with the stand of the Bank, dismissed the writ petition.

It is contended by the appellant party in person that the place of posting given to him is inconvenient. He has placed reliance on a Division Bench's judgment of Delhi High Court in LPA 74/2005 decided on 03.08.2005. Mr.P.K. Lohra, learned counsel appearing on behalf of the respondent–Bank submits that after the dismissal of the writ petition by the learned Single Judge on 6.7.2005, the appellant has joined his duties at Gulab Sagar Branch of the Bank. It is also submitted that the appellant was transferred from Sardarpura Branch, keeping in view the administrative exigencies. It is also submitted that he has been given posting in the city of Jodhpur itself in the Gulab Sagar Branch, keeping in view his disability.

We have considered the rival contentions. As far as the decision of Delhi High Court is concerned, in the said case, the Division Bench found that the Bank Authorities had not kept in view the relevant Circulars, wherein, disabled persons were to be accommodated. Thus, the direction was given to reconsider the transfer, keeping in view the Circulars pertaining to

accommodate disabled persons. In the instant case, the specific case of the respondent Bank is that keeping in view his disability, he has been given posting in the city of Jodhpur itself at Gulab Sagar Branch. Thus, the case cited by the appellant does not advanced his case. As the appellant has already been accommodated, no interference is warranted by this Court.

Accordingly, the Special Appeal stands dismissed.

(MANAK MOHTA),J. **(N.N.MATHUR),J.**

ms rathore